

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS

AUSTIN DIVISION

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
2011 MAR -2 AM 8:50

ROSE CANELA, ET AL., §
PLAINTIFFS, §
§
V. §
§
HEB GROCERY COMPANY, LP, AND §
PASTRANAS PRODUCE, INC., §
DEFENDANTS. §

BY OS
DEPUTY

CAUSE NO. A-10-CA-788-LY

ORDER

Before the Court is the parties' Notice to the Court filed February 22, 2011 (Clerk's Document No. 47). By their notice, the parties inform the Court that they have thus far been unable to reach agreement on discovery and a briefing scheduling order relating to notice and conditional certification in this cause. Specifically, the parties have been unable to agree on an applicable tolling period and request further guidance and input from the Court.

The Court is not inclined to order the parties to enter into an agreement. Accordingly, the Court will withhold consideration of Plaintiffs' motion for notice and conditional class certification until March 15, 2011 to allow the parties time to further discuss and enter an agreement on these issues. If the parties are unable to come to an agreement, Defendant HEB shall respond to Plaintiffs' motion by March 15, 2011, at which time the Court will consider Plaintiff's motion ripe for ruling.

IT IS ORDERED that Defendant's Opposed Motion for Extension of Time to Respond to Plaintiffs' Motion for Notice and Conditional Certification filed January 24, 2011 (Clerk's Document No. 35) is **DENIED**. If the parties are unable to reach agreement, Defendant HEB **SHALL RESPOND** to Plaintiffs' Opposed Motion for Notice and Conditional Certification and Plaintiffs' Request for Hearing on Motion (Clerk's Document No. 29) on or before **March 15, 2011**.

SIGNED this 1st day of March, 2011.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE